

353.739 Survey required for well drilled in an active mining area or through a workable coal bed.

- (1) Within ten (10) days of the drilling of the well, the well operator shall have performed, at its expense, a directional survey for any well drilled in an active mining area or an inclination survey for any well drilled through a workable coal bed that is not in an active mining area.
- (2) If, as a result of the as-drilled well location plat prepared pursuant to KRS 353.735 or the directional or inclination survey performed under subsection (1) of this section, it is determined that a well or any portion of a well has been drilled at either a surface location or a subsurface location at the base of the lowest workable coal bed that is not in compliance with the allowable distances established in KRS 353.737(2), as well as the spacing requirements of KRS 353.610, then the well operator shall promptly notify the Division of Oil and Gas Conservation of the noncompliance. The division shall order the well operator to remediate the noncompliance to bring the well within the allowable distances that have been exceeded. If the division determines that the well's permit conditions cannot be satisfied by remediation or that the well operator is unable to satisfactorily meet the ordered remediation, then the division shall order the well to be plugged and abandoned.
- (3) No remediation shall be required under subsection (2) of this section if:
 - (a) A directional survey indicates that the well is not in compliance with the allowable distance established in KRS 353.737(2)(b), but the well is in compliance with the spacing requirements of KRS 353.610; and
 - (b) The well operator receives a waiver for the noncompliance from the coal operator or permittee.
- (4) No remediation shall be required under subsection (2) of this section if:
 - (a) An inclination survey indicates that the well is not in compliance with the allowable distances established in KRS 353.737(2), but the well is in compliance with the spacing requirements of KRS 353.610; and
 - (b) The well operator performs or causes to be performed a directional survey to identify the correct subsurface location of the wellbore.

Effective: June 25, 2009

History: Created 2009 Ky. Acts ch. 79, sec. 4, effective June 25, 2009.